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Written statement* submitted by The European Centre for Law and Justice (Centre Européen pour le droit, la Justice et les droits de l'homme), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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ENDING THE DISTRUBING VIOLATION OF HUMAN RIGHTS THAT IS *BACHA BAZI*

1. INTRODUCTION

Bacha bazi is a deeply disturbing practice and a gross violation of human rights that victimizes vulnerable children. The European Centre for Law and Justice urges the United Nations to take action and condemn policies that ignore the plight of the abused boys of Afghanistan and prohibit intervention.

The purpose of this submission is to draw attention to the practice of *bacha bazi*, and to urge the United Nations and the International Community to condemn any non-intervention policies that allow Afghani children to be trafficked and abused with impunity.

2. WHAT IS *BACHA BAZI*?

Bacha bazi means 'boy play'[1] and is a prominent customary practice of the Pashtun culture in Afghanistan and parts of Pakistan,[2] which involves the exploitation of young boys for sexual entertainment and pleasure.[3] Boys between the ages of nine[4] and eighteen are sold or given to men, such as warlords, businessmen, and former military commanders.[5] These men, who become the boys' 'masters',[6] force the young boys to dance seductively and perform sexual favors.[7] If the boy refuses to perform such requests, his master will beat him.[8] But even if the boy does perform the requests of his master, he is still often injured physically, including such injuries as 'internal/anal hemorrhaging, rectal prolapse, protrusion of intestines, displaced pelvis bones, throat injuries, heavy internal bleeding, rectal wall tearing,' and non-sexual related physical injuries such as 'broken limbs, broken fingers, fractures, broken teeth, savage beatings, strangulation, asphyxiation, and in some cases, death.'[9] Boys also suffer emotionally, including rape trauma and social isolation.[10]

Thirteen million men from the Pashtun tribe make up approximately fifty percent of the population of Afghanistan, and approximately forty percent of those males engage in the practice of *bacha bazi*.[11] According to one study, one out of every ten Afghan boys has been the victim of human trafficking.[12] Yet, in spite of the prevalence of *bacha bazi* and its

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[1]Zadzi, *Boys in Afghanistan Sold Into Prostitution, Sexual Slavery*, DIGITAL JOURNAL (20 Nov. 2007), http://www.digitaljournal.com/article/246409.

[2]Afg. Indep. Human Rights Comm'n Rep. on Causes and Consequences of Bachabazi in Afghanistan, 24 Doc. 1393 (6 June 2002), http://www.refworld.org/docid/5694c3db4.html, [hereinafter AIHRC Report].

[3]*Id.*

[4]Ernesto Londono, *Afghanistan Sees Rise in "Dancing Boys" Exploitation*, WASHINGTON POST (4 Apr. 2012), https://www.washingtonpost.com/world/asia_pacific/afganistans-dancing-boys-are-invisible-victims/2013/12/30/bb8e8a5a-7c2b-11e1-8f65-4cbb23028e62_story.html. *See also* Christian Stephen, *Hand Covers Bruise: The Destruction of Afghanistan's Boys*, RYOT.ORG, http://www.ryot.org/bacha-bazi-afghanistan-pashtun-child-abuse-christian-stephen/912777 (last visited 5 Feb. 2016).

[5]Zadzi, *supra* note 1.

[6]Christian Stephen, *supra* note 4.

[7]AIGHRC Report, *supra* note 2.

[8]Zadzi, *supra* note 1.

[9]Christian Stephen, *supra* note 4.

[10]Human Terrain Team AF-6, *Pashtun Sexuality*, https://info.publicintelligence.net/HTT-PashtunSexuality.pdf (last visited 10 Feb. 2016).

[11]Christian Stephen, *supra* note 4.

[12]Hagar Int'l, *Forgotten No More: Male Child Trafficking in Afghanistan* (Oct. 2013), http://www.hagarinternational.org/international/files/20140403-Forgotten-No-More1.pdf, [hereinafter "Forgotten No More Report"]. (This number includes both victims of sexual exploitation and military exploitation).

victimization of Afghani children, the International Community has mostly ignored this horrific practice and allowed it to flourish.

2. THE CONSEQUENCES OF IGRNORING *BACHA BAZI*

Bacha bazi has political and international ramifications because of who participates in the practice. The Pashtun warlords, who are the main opponents of the Taliban in Afghanistan, are the primary perpetrators of this atrocity.[13] This makes the general population more likely to sympathize with the Taliban, because the Taliban is less likely to take their teenage boys and abuse them sexually.[14] Because the international community is trying to support the Pashtun's efforts and not alienate them, they are either overlooking the plight of the boys who are being used in this way, or are unaware.[15]

Such non-intervention policies, which are intended to respect the cultural practices of the Afghani people and foster good will, however, merely alienate the Afghani people who see the International Community providing support and protection to the men who are abusing Afghani children.

3. WHAT IS BEING DONE TO END *BACHA BAZI*?

Although the government of Afghanistan officially condemns *bacha bazi*[16] and even signed an agreement with the United Nations in February of 2011, which included in its provisions a commitment to end the *bacha bazi*,[17] the practice continues to thrive. Afghanistan has signed and is a party to treaties, including the Convention on the Rights of the Child and Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography,[18] as such, it is time for the United Nations and the International community to hold Afghanistan responsible for its failed efforts to end this practice. Instead, the issue of *bacha* bazi has been downplayed or ignored—even by the legal community.[19]

The United Nations published a comprehensive manual designed to help the Afghanistan government establish a legal framework for eliminating this form of human trafficking.[20] What is being done to implement that framework? It is important that the United Nations, the International Community, and the Afghani government support and work with human rights organizations that are making efforts to stem the tide of *bacha bazi*. The Afghanistan Independent Human Rights Commission (AIHRC)—described as "one of the few organizations in [Afghanistan] working to end 'bacha bazi'"[21]—has pushed for amendments to the country's criminal laws that would explicitly prevent the practice, since

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[13]Roshni Kapur, *Bacha Bazi: The Tragedy of Afghanistan's Dancing Boys*, THE DIPLOMAT (23 Aug. 2014), http://thediplomat.com/2014/08/bacha-bazi-the-tragedy-of-afghanistans-dancing-boys/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+the-diplomat+%28The+Diplomat+RSS%29. *See also* Musa Khan Jalalzai, *Male Prostitution in Afghanistan*, DAILY OUTLOOK OF AFGHANISTAN (9 July 2011), http://outlookafghanistan.net/topics.php?post_id=1166.

[14]Chris Mondloch, *Bacha Bazi: An Afghan Tragedy*, FOREIGN POLICY.COM (28 Oct. 2013), http://foreignpolicy.com/2013/10/28/bacha-bazi-an-afghan-tragedy/.

[15]Interview by Jamie Doran, with Radhika Coomaraswamy, Special Representative for Children and Armed Conflict, United Nations (Sept. 18, 2009).

[16]Samuel V. Jones, *Ending Bacha Bazi: Boy Sex Slavery and the Responsibility to Protect Doctrine*, 25 IND. INT'L & COMP. L. REV. 63, 70 (2015).

[17]*New UN-Afghan Pact Will Help Curb Recruitment, Sexual Abuse of Children*, UN NEWS CENTRE (3 Feb. 2011), http://www.un.org/apps/news/story.asp?NewsID=37461#.VruHA_krKUk.

[18]*Id.* at 71 (2015).

[19]Samuel V. Jones, *ENDING BACHA BAZI: BOY SEX SLAVERY AND THE RESPONSIBILITY TO PROTECT DOCTRINE*, 25 Ind. Int'l & Comp. L. Rev. 63, 65 n.10 (2015) (noting that a Westlaw search for "bacha baza," returned only five law review articles mentioning the practice).

[20]*Id.* at 70.

[21]Atia Abawi, *Ignored by Society, Afghan Dancing Boys Suffer Centuries-old Tradition*, CNN (Oct. 27, 2009), http://www.cnn.com/2009/WORLD/asiapcf/10/26/ctw.afghanistan.sex.trade/index.html?iref=24hours.

current laws proscribing rape and pederasty do not cover *bacha bazi*.[22] Those amendments need to be made so that perpetrators of *bachi bazi* no longer exploit Afghani boys with impunity.

Ultimately, Afghani officials, journalists, and citizens are reluctant to address *bacha bazi*[23] and international efforts have fallen short of eliminating the practice. As long as awareness remains the same, this child sex slavery will continue.[24]

4. CONCLUSION

Therefore, the ECLJ urges the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on contemporary forms of slavery and the Special Rapporteur on trafficking in persons, especially women and children, in accordance with their mandates, to address the issue of *Bacha Bazi*, which constitutes a gross violation of human dignity and internationally recognized human rights of boys.

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[22]Stephanie Ng, *The Last Taboo: Male Rape and the Effectiveness of Existing Legislation in Afghanistan, Great Britain, and the United States*, 23 TUL. J. INT'L & COMP. L. 227, 234 (2014); *AIHRC Efforts to Legally Stop Bacha Bazi*, TOLO NEWS (20 Aug. 2014), http://www.tolonews.com/en/afghanistan/16045-aihrc-efforts-to-legally-stop-bacha-bazi.

[23]Zadzi, *Boys in Afghanistan Sold Into Prostitution, Sexual Slavery*, DIGITAL JOURNAL (Nov. 20, 2007), http://www.digitaljournal.com/article/246409; *See* Atia Abawi, *Ignored by Society, Afghan Dancing Boys Suffer Centuries-old Tradition*, CNN (27 Oct. 2009) ("The abuse stays on the backburner of issues in Afghanistan. People are aware of it, but they don't really talk about it . . . . It continues because of the culture of impunity and lack of legal provision against this practice.") ttp://www.cnn.com/2009/WORLD/asiapcf/10/26/ctw.afghanistan.sex.trade/index.html?iref=24hours; Kelley B. Vlahos, *The Rape of the Afghan Boys*, ANTIWAR (13 Apr. 2010), http://original.antiwar.com/vlahos/2010/04/12/a-deal-with-the-devil/ (Rachel Reid of Human Rights Watch said, "It's gotten some limited attention. There's been some Afghan investigative journalists who have tackled it, though in areas where the perpetrators area also local 'commanders' whether official or unofficial, there will always be fear of reprisals.").

[24]*Afghanistan: An In-Depth Look at the Practice of "Bacha Bazi" (Dancing Boys)*, CHILD RIGHTS INTERNATIONAL NETWORK (18 Sept. 2013), https://www.crin.org/en/library/news-archive/afghanistan-depth-look-practice-bacha-bazi-dancing-boys (an anonymous analyst said, "If as much attention went into bacha bazi [as women's rights] I am sure you would see a difference, but no one speaks about it.").